

FILED
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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

2005 MAR 22 P 12:43

EBEN ALEXANDER, III, M.D.

Plaintiff,

v.

BRIGHAM AND WOMEN'S PHYSICIANS
ORGANIZATION, INC., successor to
Brigham Surgical Group Foundation, Inc.,
BOSTON NEUROSURGICAL FOUNDATION
INC., BRIGHAM SURGICAL GROUP
FOUNDATION, INC. DEFERRED
COMPENSATION PLAN, BRIGHAM
SURGICAL GROUP FOUNDATION, INC.
FACULTY RETIREMENT BENEFIT
PLAN, COMMITTEE ON COMPENSATION
OF THE BRIGHAM SURGICAL GROUP
FOUNDATION, INC., and
PETER BLACK, M.D.

Defendants.

U.S. DISTRICT COURT
DISTRICT OF MASS.

Case No. 04-10738-MLW

SCANNED

DATE

BY

3-23-05
H. H. H. H. H.

JOINT MOTION TO EXTEND RULE 56 DEADLINES

The parties hereby respectfully request that this Court extend the time to April 5, 2005 for Plaintiff Eben Alexander, M.D. to file his motion for summary judgment, as an accommodation to Plaintiff's lead counsel, whose wife just had a baby, and therefore is out of the office. The parties request a similar extension of time to May 16, 2005 for Defendants to file their cross-motion for summary judgment. In further support hereof, the parties state as follows:

1. The current Rule 56 briefing schedule requires Plaintiff to file his motion for summary judgment by March 24, 2005.

2. Mr. Paris, lead counsel for Plaintiff, will be out of the office for some time due to his child's birth.

3. The Court recently extended the Rule 56 deadlines for two weeks on behalf of all parties to afford them time to exchange information and stipulate to certain facts. Additional material has been exchanged and the parties continue to work toward a stipulation of certain facts, which will facilitate the Court in deciding the sole issue to be addressed in the summary judgment papers (i.e. whether two deferred compensation plans are valid "top hat" plans under ERISA).

4. In sum, Plaintiff needs additional time to prepare his summary judgment motion and defendants request the same extension for their brief.

WHEREFORE, for the foregoing reasons, the parties respectfully request that the Court extend the time for Plaintiff to file his motion for summary judgment to April 5, 2005 and for Defendants to file their cross-motion for summary judgment to May 16, 2005.


Respectfully submitted,

Plaintiff,

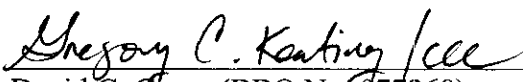
Defendants,

By his attorneys,

By their attorneys,



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Dated: March 22, 2005